

RemarksI. Introduction

It is respectfully requested that this Amendment After Final Rejection be entered and made of record. It is believed that the following amendments and remarks place the application in a form for allowance. The following amendments and remarks at least place the claims in a better form for appeal. No new matter is presented, as such the amendment is proper under 37 C.F.R. § 1.116.

Applicants have now amended claim 1 to remove the term "water soluble" since this terminology does not accurately describe their complexes. No new matter has been added. Since the claim now simply explicitly sets forth an inherent property of the compounds, the amendment is not narrowing.

II. Claim Rejections - 35 U.S.C. § 103(a)

As noted in Applicants' last response, claim 1 was rejected under 35 U.S.C. 103(a) as being unpatentable over Cardinal, U.S. Pat. No. 2,849,468 on the basis that if a skilled artisan in the art had desired to produce a 1:1 neutral complex of zinc and glutamic acid different from the 1:1.5 neutral complex from Example III of the prior art, such artisan it would have been motivated to produce such a complex selectively and substantially as an alternative by using the teachings of the Cardinal reference because glutamic salt is in demand for the purpose of flavor enhancement. The Examiner further argues that the skilled artisan would expect the formation of the 1:1 neutral complex of zinc and glutamic acid to be successful as the guidance (see col. 4, lines 4-7) shown in the prior art. Applicants respectfully traverse this rejection.

The Examiner's assertion that Cardinal provides guidance to produce Applicants' 1:1 neutral complexes appears to be based on an incorrect interpretation of Cardinal. The purpose of Cardinal is to precipitate the maximum amount of glutamic acid from its solution and to prepare specific zinc salts of glutamic acid. (See e.g. Col. 2, lines 43-45). In fact, Cardinal states that, "[t]he exact chemical formula for these zinc glutamate salts prepared in accordance with the instance process is not definitely known." (Col. 4, lines 17-19). It is not understood how it would have been obvious to have prepared Applicants' 1:1 complexes, which the Examiner admits are novel, based on the teachings of a reference that was unaware of the actual chemical structure of its own disclosed compositions.